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TREASURY DEPARTMENT.

Bureau of Internal Revenue.

[T. D. 4693]

WINEMAKER'S BOND, FORM 700-A, AND REGULATIONS RELATING TO WINES AND BRANDIES

To District Supervisors, Collectors of Internal Revenue, and Others Concerned:

Sections 330, 331, 332, 333, and 334 of the Liquor Tax Administration Act (Public, No. 815—74th Congress) provide as follows:

Sec. 330. The last paragraph of section 610 of the Revenue Act of 1918, as amended (U. S. C., 1934 ed., Supp. I, title 26, sec. 1310 (d)), is amended to read as follows:

"The provisions of the internal-revenue laws applicable to natural wine shall apply in the same manner and to the same extent to citrus-fruit wines, peach wines, cherry wines, berry wines, apricot wines, and apple wines, which are the products, respectively, of normal alcoholic fermentation of the juice of sound ripe (1) citrus-fruit (except lemons and limes), (2) peaches, (3) cherries, (4) berries, (5) apricots, or (6) apples, with or without the addition of dry cane, beet, or dextrose sugar (containing, respectively, not less than 95 per centum of actual sugar, calculated on a dry basis) for the purpose of perfecting the product according to standards, but without the addition or abstraction of other substances, except as may occur in the usual cellar treatment of clarifying or aging."

Sec. 331. Section 612 of the Revenue Act of 1918, as amended (U. S. C., 1934 ed., Supp. I, title 26, sec. 1301) is amended to read as follows:

"Sec. 612. (a) Under such regulations and official supervision and upon the giving of such notices and entries as the Commissioner, with the approval of the Secretary, may prescribe, any producer of wines defined under the provisions of this title may withdraw from any fruit distillery or Internal Revenue Bonded Warehouse grape brandy, or wine spirits, for the fortification of such wines on the premises where actually made, and any producer of citrus-fruit wines, peach wines, cherry wines, berry wines, apricot wines, or apple wines may similarly withdraw citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, or apple brandy for the fortification, respectively, of citrus-fruit wines, peach wines, cherry wines, berry wines, apricot wines, or apple wines, on the premises where actually made: *Provided*, That after the date of the enactment of the Liquor Tax Administration Act there shall be levied and assessed against the producer of such wines or citrus-fruit wines, peach wines, cherry wines, berry wines, apricot wines, or apple wines (in lieu of the internal-revenue tax now imposed thereon by law) a tax of 10 cents per proof-gallon of grape brandy, citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, apple brandy, or wine spirits, whenever withdrawn and so used by him after such date in the fortification of such wines or citrus-fruit wines or peach wines, cherry wines, berry wines, apricot wines, or apple wines during the preceding month, which assessment shall be paid by him within eighteen months from the date of notice thereof: *Provided*, That every producer of wine who withdraws such brandy, citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, apple brandy, or wine spirits shall give bond to fully cover at all times prior to payment of the assessment the amount of tax due on such brandy, citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, apple brandy, or wine spirits, which bond shall be in such form as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall, by regulations, prescribe. When such wines are destroyed or sold or removed for the manufacture of vinegar, or the production of dealcoholized wines containing less than one-half of 1 per centum of alcohol by volume, the tax under this section on such grape brandy, citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, apple brandy,

or wine spirits shall, under such regulations as the Secretary may prescribe, be abated or refunded.

"(b) Nothing contained in this section shall be construed as exempting any wines, citrus-fruit wines, peach wines, cherry wines, berry wines, apricot wines, apple wines, cordials, liqueurs, or similar compounds from the payment of any tax provided for in this title.

"(c) Any such wines, or citrus-fruit wines, or peach wines, cherry wines, berry wines, apricot wines, apple wines, may, under such regulations as the Secretary may prescribe, be sold or removed tax free for the manufacture of vinegar, or for the production of dealcoholized wines containing less than one-half of 1 per centum of alcohol by volume.

"(d) The taxes imposed by this section shall not apply to dealcoholized wines containing less than one-half of 1 per centum of alcohol by volume."

Sec. 332. Section 42 of the Act entitled "An Act to reduce the revenue and equalize duties on imports, and for other purposes", approved October 1, 1890, as amended (U. S. C., 1934 ed., Supp. I, title 26, sec. 1302), is amended by inserting at the end thereof the following new paragraph:

"The provisions of this section and section 43 shall apply to the use of peach brandy, cherry brandy, berry brandy, apricot brandy, and apple brandy, in the preparation, respectively, of fortified peach wines, cherry wines, berry wines, apricot wines, and apple wines, in the same manner and to the same extent as such provisions apply to the use of wine spirits in the fortification of sweet wines; except that (1) no brandy other than peach brandy may be used in the fortification of peach wine and peach brandy may not be used for the fortification of any wine other than peach wine, (2) no brandy other than cherry brandy may be used in the fortification of cherry wine and cherry brandy may not be used for the fortification of any wine other than cherry wine, (3) no brandy other than berry brandy may be used in the fortification of berry wine and a berry brandy prepared from one kind of berry may not be used for the fortification of a berry wine prepared from another kind of berry or for the fortification of any wine other than berry wine, (4) no brandy other than apricot brandy may be used in the fortification of apricot wine and apricot brandy may not be used for the fortification of any wine other than apricot wine, and (5) no brandy other than apple brandy may be used in the fortification of apple wine and apple brandy may not be used for the fortification of any wine other than apple wine."

Sec. 333. The first proviso of section 3255 of the Revised Statutes, as amended (U. S. C., 1934 ed., Supp. I, title 26, sec. 1176), is amended by inserting after "citrus-fruit wine", wherever it appears, the words "peach wine, cherry wine, berry wine, apricot wine, or apple wine"; and by inserting after "citrus-fruit brandy" the words "peach brandy, cherry brandy, berry brandy, apricot brandy, or apple brandy."

Sec. 334. Section 618 (b) of the Revenue Act of 1918 (U. S. C., 1934 ed., title 26, sec. 1304) is amended to read as follows:

"(b) Under regulations prescribed by the Commissioner with the approval of the Secretary, it shall be lawful to produce grape wines, citrus-fruit wines, peach wines, cherry wines, berry wines, apricot wines, and apple wines on bonded winery premises by the usual method, and to transport and use the same, and like wines heretofore produced and now stored on bonded winery premises, as distilling material in any fruit-brandy distillery or industrial-alcohol plant."

Pursuant to such authority conferred by the Liquor Tax Administration Act, a new winemaker's bond, Form 700-A, and the following regulations relative to wines and brandies, including amendments of Regulations No. 7, of May 1930, Relative to the Production, Fortification, Tax Payment, etc., of Wine, are hereby prescribed:

Wine made from citrus fruit (except lemons and limes), peaches, cherries, berries, apricots, or apples, with or with-



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out the addition of dry cane, beet, or dextrose sugar (containing, respectively, not less than 95 per centum of actual sugar, calculated on a dry basis) for the purpose of perfecting the product according to standards, but without the addition or abstraction of other substances, except as may occur in the usual cellar treatment of clarifying or aging, may be produced under the regulations applying to grape wine. In the fortification of any of these fruit or berry

wines, only brandy produced from the same kind of fruit or berries from which the wine is made, may be used, except that taxpaid grain or other ethyl alcohol may be used in the fortification of these wines. Wines produced from any of these fruits or berries may be removed tax-free to a fruit brandy distillery or industrial alcohol plant as distilling material in accordance with the procedure prescribed in Regulations No. 7.

Paragraphs 4, 297, and 298, of Regulations No. 7, are amended to read as follows:

PAR. 4. (a). Except as otherwise provided herein, proprietors of bonded wineries and bonded storerooms shall furnish, in triplicate, a separate bond (Form 700-A) with surety or security to cover each winery or storeroom. No wine may be produced or received, and no brandy may be withdrawn for fortification, until proper bond is filed and the premises are approved by the District Supervisor. Bonds on Form 700-A will be in a penal sum sufficient:

FIRST. To cover the amount of the tax on all wine, including vermouth, champagne, sparkling wine and artificially carbonated wine to be produced, received, and possessed at the bonded winery, received and possessed at the bonded storeroom, and in transit from such premises to other bonded premises at any one time;

SECOND. To cover the amount of the tax at the distilled spirits rate on all brandy to be withdrawn for use in the fortification of wine, in transit to, and possessed at, the bonded winery at any one time; and

THIRD. To fully cover at all times prior to payment of the assessment the amount of the fortifying tax on all brandy so withdrawn and used in the fortification of wine: Provided, That the penal sum of the bond shall not be less than \$500, nor more than \$50,000 for a single winery or storeroom: And provided further, That where the aggregate amount of the outstanding (unpaid) assessments of the fortifying tax on brandy used in the fortification of wine, exceeds the penal sum of the bond, the winemaker shall file an additional bond with surety or security in an amount sufficient to cover such excess. Should the winemaker neglect to file the requisite bond, the District Supervisor will refuse to allow him to produce or receive wine or withdraw brandy for fortification until the charges against the outstanding bond are reduced sufficiently to permit such further operations. The filing of blanket bonds by winemakers is no longer permissible.

(b) The distilled spirits tax, imposed by law, on brandy withdrawn for the fortification of wine shall not continue to constitute a charge against the bond after the use of such brandy in the fortification of wine. However, the bond will remain liable for payment of the fortifying tax, imposed by law, on all brandy used in the fortification of wine. The Collector of Internal Revenue will advise the District Supervisor when payment is made of assessments, both for brandy fortification tax and tax on brandy deficiencies in order that the District Supervisor may have current information concerning outstanding liability against the winemaker's bond.

(c) Winemakers operating bonded wineries under bonds, Form 700, executed without surety and supported by consent of the surety on Fruit Distiller's Annual Bond, Form 30½, must replace such bonds (Form 700) by new bonds on Form 700-A executed with surety or security. Such new bonds must contain an effective date corresponding with the date of approval of the Liquor Tax Administration Act, namely, June 26, 1936, but the bonds must also show the current date of their execution in the blank spaces provided therefor.

(d) The terms of all winemakers' effective bonds, Form 699, must be extended by consent of surety, Form 1533, to apply to, and be responsible for, the requirements of the Liquor Tax Administration Act of June 26, 1936 (Public No. 815—74th Congress), relating to wine, including vermouth, champagne, sparkling wine and artificially carbonated wine. Similarly, the terms of winemakers' bonds, Form 700, must be extended by consents of surety, and, where fortified wine is produced under such bonds, the consent must contain a statement that the bond (Form 700) shall cover the withdrawal, transportation, and storage of brandy, and the payment of tax thereon when used in the fortification of wines. Such consents shall also contain the undertaking that—

"the obligors agree to remain bound by the terms of the said bond, as originally written for the period prior hereto, and hereafter as hereby changed, to all intents and purposes as if a new bond with such terms were this day executed."

(e) New bond on Form 700-A need not be filed by winemakers if satisfactory bond in sufficient penal sum on Form 699 or 700 has already been filed and approved: Provided, the terms of such bonds are extended by consent of surety, Form 1533, as required by these regulations. If, however, a new bond on Form 700-A is filed in lieu of bond on Form 699 or 700 previously filed and approved, such new bond may be accepted:

(f) In all cases where a winemaker gives a strengthening bond on Form 700-A, the surety or sureties thereon must be the same as the surety or sureties on the bond, or bonds, of that or any prior series of bonds of the winemaker already on file; otherwise a new bond (Form 700-A) covering the entire liability will be required. The filing of new or additional bonds on Form 700 is discontinued.

(g) The provisions of Treasury Decision 4651 (paragraphs 49 to 72, inclusive) relating to Internal Revenue Bonded Warehouses, approved June 27, 1936, so far as applicable, are hereby extended

to the execution (including the execution by two or more corporate sureties), approval, disposition of bonds and consents of surety, relief of sureties, and release as to future liability of winemakers' bonds on Form 700-A and to winemakers' bonds of any prior series.

PAR. 297 (a) Section 612 of the Revenue Act of 1918, as amended, provides that there shall be levied and assessed against the winemaker a tax of 10 cents per proof gallon on brandy used in the fortification of wine, and such tax shall be paid within 18 months from the date of notice of the assessment.

(b) In order that delay in assessing the brandy fortification tax may be avoided, Collectors of Internal Revenue will advise District Supervisors of the list, page, and line immediately after an item of brandy fortification tax is entered on the assessment list. District Supervisors will note such list, page, and line on their copy, and on the Commissioner's copy of Supplemental Form 257. If the District Supervisor has not received such advice from the Collector of Internal Revenue before the last day of the month succeeding that during which brandy was reported on Form 257 (Supplemental) as used in fortification, he will promptly make inquiry of the Collector of Internal Revenue in regard to the matter, and, if necessary, will supply the Collector of Internal Revenue with copy of Form 257 (Supplemental) for use as the basis for entering tax for assessment. Where the Collector of Internal Revenue has not advised the District Supervisor of the list, page, and line on which the assessment has been entered, when copies of the reports and accounts are ready for forwarding to the Commissioner, the District Supervisor will note on the Form 257 (Supplemental) "Notice of entry of assessment not received."

PAR. 298. Upon receipt of copy of Supplemental Form 257 from the storekeeper-gauger at the close of the month, Collectors of Internal Revenue will enter on the distilled spirits list the brandy fortification tax shown due by such form. Immediately upon receipt from the Commissioner of Internal Revenue of the assessment list containing the item, the Collector will make demand upon the winemaker for the amount of the tax, specifying in the notice, Form 17, that the tax is payable within 18 months from the date of the notice.

[SEAL]

GUY T. HELVERING,

Commissioner of Internal Revenue.

Approved, August 28, 1936.

WAYNE C. TAYLOR,

Acting Secretary of the Treasury.

[P. R. Doc. 2037—Filed, September 1, 1936; 10:00 a. m.]

[T. D. 4694]

MANUFACTURE OF VERMOUTH ON BONDED WINERY PREMISES

To District Supervisors, Collectors of Internal Revenue, and Others Concerned:

Pursuant to Sections 605, 611, and 616 of the Revenue Act of 1918 (U. S. C., 1934 ed., title 26, secs. 1151, 1300 (a) (1), and 1306), as amended by Sections 319 (b), 319 (c), and 338, respectively, of the Liquor Tax Administration Act (Public, No. 815, 74th Congress), Sections 618 (a), 619, 623, 1305, and 1309 of the Revenue Act of 1918 (U. S. C., 1934 ed., title 26, secs. 1303, 1300 (b) (2), 1305, 1345, and 1350, respectively), and Section 3246 of the Revised Statutes (U. S. C., 1934 ed., title 26, sec. 1394 (g)), as amended by Section 328 of the Liquor Tax Administration Act, the following regulations governing the manufacture of vermouth on bonded winery premises, and the tax-payment, withdrawal, transfer, and shipment of such vermouth, are prescribed:

CONSTRUCTION AND EQUIPMENT

PAR. 1. A separate department, to be known as the Vermouth Department, may be established on a bonded winery premises for the manufacture of vermouth. The buildings or rooms constituting the Vermouth Department must be suitable for the purpose and so arranged that the revenue will be protected. Such buildings or rooms must be securely constructed of substantial material and separated from any other department of the bonded winery by a solid and unbroken partition of substantial construction. There must be no interior communication between the Vermouth Department and any other department or part of the winery premises. All windows and exterior doors or other openings must be so constructed that they may be securely locked or fastened from the inside, except the entrance door, which must be so constructed that it may be securely locked and fastened from the outside. The en-

trance door shall lead directly into a public street or yard or into the yard of the bonded winery or into a common passageway leading directly to the bonded winery yard or to a public street or yard. The locks necessary for securing doors, windows, or other openings shall be furnished by the proprietor of the bonded winery.

PAR. 2. The Vermouth Department must be provided with suitable facilities for the manufacture of vermouth. There must be installed in such department one or more suitable tanks, within which all the vermouth produced must be manufactured. Each tank in the Vermouth Department must have painted thereon a permanent serial number and its capacity in wine gallons. Serial numbers on processing tanks will be preceded by the letter "P" and storage tanks by the letter "S." The serial number on bottling tanks will be preceded by the words "Bottling Tank." Each tank shall be of uniform dimensions from top to bottom, shall stand on end, and shall be equipped with a glass gauge whereby the contents will be correctly indicated. Where barrels are used as processing receptacles, they shall be marked in the same manner as processing tanks, but need not be equipped with glass gauges. Where barrels are used as storage container and will be used as shipping containers upon removal of the vermouth, they need not be equipped with glass gauges or have painted on them a permanent serial number, but the capacity in wine gallons must be plainly marked on each barrel.

PAR. 3. Proprietors will be held responsible for the correctness of the markings indicating the contents of all tanks. Where wooden tanks are used, they must be remeasured from time to time and new markings made thereon. Allowance will not be made for deficiencies of vermouth claimed to be due to incorrect gauge of tanks.

PAR. 4. All tanks and other containers in the Vermouth Department must be so arranged and located as to permit their ready and complete examination, and determination of their contents by inspecting officers. All pipes, hose, or other conveyors leading to or from the tanks must be so connected and arranged as to be plainly visible to examining officers.

SIGN

PAR. 5. There must be placed over the entrance door to the Vermouth Department a sign bearing the words "Vermouth Dept.," in plain, legible letters, not less than three inches in height.

DESCRIPTION ON APPLICATION, FORM 698, AND PLAN

PAR. 6. The Vermouth Department and equipment thereof must be accurately described in the winery application, Form 698, and depicted on the winery plan. The description must include the location and size of the buildings and rooms, the materials of which constructed, the location of all windows, doors, or other openings, and the manner of securing the same, and the serial number and capacity of each tank, or other receptacle of a permanent nature, and the purpose for which used. Barrels and similar containers used temporarily as processing receptacles or storage containers need not be described on Form 698 or the winery plan, but written report thereof, in triplicate, will be made to the District Supervisor. Where material changes are made in the processing or storage facilities, such as the removal or addition of tanks, report thereof will be made to the District Supervisor, in triplicate, as in the case of such changes in wine manufacturing equipment.

USE OF VERMOUTH DEPARTMENT

PAR. 7. The Vermouth Department must be used exclusively for the manufacture and storage of vermouth and for the storage of bottles, packages, and supplies necessary or incidental to the manufacture of vermouth. All herbs and roots used in the manufacture of vermouth must be stored in the Vermouth Department. The Vermouth Department may not be used for the storage of wine. All fortified sweet wine transferred to that department must be immediately used in the manufacture of vermouth.

FORMULAS AND PROCESSES

PAR. 8. Every winemaker desiring to establish a Vermouth Department in connection with his winery shall file with the District Supervisor a statement in detail of each process by which he intends to manufacture vermouth, including the formulas. The formulas must show all the ingredients composing the same, but the quantity or percentage of each ingredient used need not be given. It will not be necessary to submit a new formula where the quantity or percentage of each ingredient is varied from time to time. Where the ingredients composing the formula are changed, however, a new formula must be submitted. Each formula will show the percentage of alcohol by volume in the finished product. Formulas will be numbered serially, and prepared in triplicate. The winemaker will retain one copy of each statement of process and formula accessible for inspection by Government officers, and forward two copies to the District Supervisor. The District Supervisor will retain one copy and forward the other to the Commissioner. No winemaker may manufacture any vermouth not covered by a formula filed by him with the District Supervisor.

PAR. 9. No wine other than fortified sweet wine may be used in the manufacture of vermouth on a bonded winery premises. No distilled spirits may be added to the fortified sweet wine used in the manufacture of vermouth on such premises or to the vermouth during or after its manufacture. No alcoholic extract, excepting such as may be made by macerating herbs and other non-alcoholic flavoring materials with fortified sweet wine in the Vermouth Department, may be used in the manufacture of vermouth in such department. Such vermouth may, however, in accordance with law, after tax payment and removal from the winery, be used with distilled spirits in the manufacture of other compound liquors, such as liqueurs, cordials, and similar compounds.

ADDITION OF VERMOUTH DEPARTMENT TO EXISTING WINERY

PAR. 10. The proprietor of an existing winery desiring to add a Vermouth Department to his bonded premises shall file application therefor on Form 698 with the District Supervisor. The application must be accompanied by a new plan or supplemental plan, showing the addition of the Vermouth Department and equipment as indicated in paragraph 6, and a new bond on Form 700-A, or proper consent of surety (Form 1533) extending the terms of existing bond or bonds of the prior series (Form 699 or 700) prescribed for use by winemakers. The bond must be in a sufficient penal sum, computed as required by Treasury Decision No. 4693 relating to winery bonds, and must otherwise comply with the requirements of the said Treasury Decision. The application, Form 698, the plan or supplemental plan, and the bond or consent of surety must be furnished in triplicate.

PAR. 11. Upon receipt of the application and supporting documents, the District Supervisor will make a thorough inspection of the premises to determine whether the construction and equipment meet the requirements of the regulations, and whether the premises and equipment are correctly described and depicted in the application and plan. If the application and plan, and the premises and equipment are found to be in proper order, and if a proper bond or consent of surety has been filed, the District Supervisor will approve the application, bond or consent of surety, and the plan, retain one copy of each, forward one copy of each to the Commissioner, and return the remaining copy of each to the proprietor to be kept at the winery readily accessible to Government officers.

PAR. 12. No wine may be transferred to the Vermouth Department, and no vermouth may be manufactured, until the application, Form 698, and supporting documents have been approved by the District Supervisor.

REMOVAL OF VERMOUTH

PAR. 13. Upon removal from the Vermouth Department, the vermouth must be taxpaid at the rates provided by law,

unless it is transferred to another department of the bonded winery where produced, or unless it is withdrawn for shipment in bond to other bonded wineries or bonded storerooms or for tax-free purposes.

PAR. 14. The provisions of regulations now in force and effect, or hereafter promulgated, respecting—

- (a) The size and kind of containers in which wines may be removed from a bonded winery or storeroom;
- (b) The markings to be placed upon containers of wines upon removal from a bonded winery or storeroom;
- (c) The determination of the alcoholic content of wines upon removal from a bonded winery or storeroom;
- (d) The affixing of wine stamps to containers of wines, and the cancellation of such stamps;
- (e) The taxpayment of wines shipped in tanks and tank cars;
- (f) The destruction of the stamps, certificates of taxpayment, and marks and brands upon emptying containers of wines;
- (g) The destruction of spoiled wines without payment of tax;
- (h) The storage of taxpaid wines; and
- (i) The return of taxpaid wines in stamped containers to the bonded premises for filtering, clarifying, or purifying,

shall, unless otherwise expressly provided, apply with like force and effect to vermouth manufactured with fortified sweet wine in the Vermouth Department of a bonded winery.

PAR. 15. Packages and cases of vermouth shall be serially numbered in the same series used in numbering packages and cases of wine. The packages and cases shall be numbered in sequence upon removal, except that where packages or cases are filled for shipment in advance of orders, they may be numbered at the time of filling and need not be removed in serial order.

RATE OF TAX ON VERMOUTH

PAR. 16. Section 611 of the Revenue Act of 1918, as amended by Section 319 (c) of the Liquor Tax Administration Act, provides that there shall be levied, collected, and paid, tax at the following rates on vermouth, when sold or removed for consumption or sale:

On vermouth containing not more than 14 per centum of absolute alcohol, 5 cents per wine gallon, the per centum of alcohol under this section to be reckoned by volume and not by weight;

On vermouth containing more than 14 per centum and not exceeding 21 per centum of absolute alcohol, 10 cents per wine gallon;

On vermouth containing more than 21 per centum and not exceeding 24 per centum of absolute alcohol, 20 cents per wine gallon;

All vermouth containing more than 24 per centum of absolute alcohol by volume shall be classed as distilled spirits and shall be taxed accordingly.

TRANSFER TO OTHER DEPARTMENT OF SAME WINERY

PAR. 17. When the manufacture of vermouth has been completed in the Vermouth Department, the finished product may be transferred to another department of the same bonded winery premises for storage therein. Vermouth so transferred may be bottled with the equipment used for the bottling of wines, but the bottling of vermouth must be conducted separately from the bottling of wines. Vermouth transferred from the Vermouth Department to another department of the winery must, at all times, be kept separate and apart from wines stored in such other department. When vermouth is so transferred, no entry thereof will be made in Form 702-B, provided for in paragraph 23, for such record will cover all vermouth possessed on the bonded premises.

SHIPMENT OF VERMOUTH IN BOND TO OTHER BONDED PREMISES

PAR. 18. The provisions of regulations now in force and effect, or hereafter promulgated, respecting the transfer and

shipment of still wine in bond from the bonded winery where produced to other bonded wineries and storerooms shall, unless otherwise expressly provided, apply with like force and effect to such transfer and shipment of vermouth, except that entry of the shipment and receipt of vermouth shall be made by the winemaker on Form 702-B instead of Form 702, and that Form 703 shall be checked by the District Supervisor with Form 702-B instead of Form 702. Vermouth so transferred to other bonded premises must, at all times, be kept separate and apart from wines stored on such bonded premises.

EXPORTATION OF VERMOUTH FREE OF TAX

PAR. 19. Vermouth produced in the Vermouth Department of a bonded winery may be exported free of tax. Such vermouth may be so exported, pursuant to application and entry on Form 711 and bond on Form 186, in accordance with the procedure prescribed by T. D. 4670, respecting the exportation of domestic wines free of tax, the provisions of which Treasury Decision are hereby extended and made applicable to the exportation of vermouth free of tax: *Provided*, That pending the revision of Form 186, the terms of any bond furnished on such form shall be extended by consent of surety (Form 1533) to cover the exportation of vermouth, free of tax, from a bonded winery or bonded storeroom, before it may be accepted for that purpose.

LOSSES

PAR. 20. The provisions of paragraphs 131 to 144, inclusive, of Regulations 7, respecting losses of wines at bonded wineries and bonded storerooms, are hereby extended and made applicable to losses of vermouth at bonded wineries and bonded storerooms, provided that—

(a) Losses of vermouth shall be determined separately from losses of wines;

(b) Where the losses at a bonded winery during any fiscal year exceed 3 per cent of the aggregate quantity of vermouth on hand at the beginning of the fiscal year and received in bond during the fiscal year, and 6 per cent of the quantity of vermouth produced during the fiscal year, it shall be necessary for the winemaker to file an application for remission of the tax on the entire loss;

(c) Credit for losses of vermouth shall be claimed in the vermouth record and report, Form 702-B;

(d) Items of losses of vermouth shall be carried by District Supervisors in bonded account, Form 733, prepared as required in paragraph 29.

(e) Where losses of wine transferred to the Vermouth Department appear to be excessive and where the loss of wine in process of manufacture of vermouth appears to be excessive, District Supervisors will make such investigation or require such evidence to be submitted as may be deemed necessary and will advise the Commissioner of their findings and recommendations relative to allowance or disallowance of the loss.

SPECIAL TAXES

PAR. 21. Section 605 of the Revenue Act of 1918, as amended, provides that the manufacture of vermouth with fortified sweet wine on bonded winery premises shall not be deemed to be rectification within the meaning of Section 3244, R. S., if distilled spirits are not added to the fortified sweet wine used in the manufacture thereof or to such vermouth during or after its manufacture. No special tax as a rectifier is, therefore, required to be paid on account of such manufacture of vermouth on bonded winery premises.

PAR. 22. Under Section 3246, R. S., as amended, winemakers who have qualified as such under the internal revenue laws and regulations, and who sell wines of their own production where the same are made or at the general business office of such winemaker, are exempt from the special taxes imposed upon wholesale and retail dealers in liquors or wines. This exemption from special taxes is

applicable to winemakers who sell vermouth of their own production to the same extent that it is applicable to winemakers who sell wine of their own production.

RECORDS AND REPORTS

PAR. 23. The proprietor of every bonded winery manufacturing vermouth, and the proprietor of every bonded winery or bonded storeroom receiving, storing, or disposing of vermouth, shall keep a record in triplicate on Form 702-B of transactions in vermouth. Proprietors of wineries manufacturing vermouth shall also keep on such form a record of all wines and other materials received and used in the manufacture of vermouth. All of the information applicable in the particular case, called for in Form 702-B, as indicated by the headings of the columns and lines of the form and the instructions printed thereon, will be reported. The requirements of the form are hereby made a part of these regulations. The entries in such record must be made during the day on which the transactions occur, all entries to be completed not later than the close of business each day.

PAR. 24. All fractional parts of a gallon shall be stated on Form 702-B in decimals. For example, one-half gallon shall be stated as 0.50 gallon and not $\frac{1}{2}$ gallon. Fractional parts of a gallon less than one-hundredth will be excluded. Thus, 40.079 gallons will be stated 40.07 gallons.

PAR. 25. Form 702-B must be subscribed and sworn to by the proprietor or his duly authorized agent at the winery or storeroom. Where the report is signed by an agent, the agent must have personal knowledge of the winery or storeroom operations, and proper power of attorney authorizing the agent to execute the report must be filed in duplicate with the District Supervisor, who will forward one copy to the Commissioner. Reports signed by agents without personal knowledge of the operations reported or by unauthorized parties can not be accepted.

PAR. 26. One copy of Form 702-B will be retained at the winery by the proprietor as a permanent record, subject to inspection by Government officers at any reasonable hour. On or before the fifth day of the month following that to which the report relates, the proprietor will forward two copies of the form to the District Supervisor, together with his reports covering transactions in wines. The District Supervisor will retain one copy of Form 702-B and forward the other to the Commissioner at the time his monthly winery accounts are forwarded.

PAR. 27. Report on Form 702-B will be rendered for each month or part of month during which the winemaker is qualified to operate the Vermouth Department. Reports for months during which there are no transactions will be marked "No transactions." Upon discontinuance of the Vermouth Department the last report will be marked "Final." Proprietors of bonded wineries not qualified to manufacture vermouth and proprietors of bonded storerooms will render report on Form 702-B only for months during which vermouth is received or disposed of or is on hand at any time during the month.

PAR. 28. All shipments of fortified sweet wine received in bond, whether or not intended for immediate use in the manufacture of vermouth, must be entered on Form 702. Pending the revision of Form 702 the quantity of fortified sweet wine transferred to the Vermouth Department of a winery will be reported as a special credit entry in the summary of Form 702, as "Transferred to Vermouth Department." Stamps purchased and used for tax-paying vermouth shall be accounted for on Form 702 in the same manner as stamps purchased and used for tax-paying wines.

DISTRICT SUPERVISOR'S ACCOUNTS

PAR. 29. Pending the printing of a separate form for the purpose, District Supervisors will render monthly accounts of transactions in vermouth at bonded wineries and bonded storerooms on Form 733, identified by noting at the top of the first page the words "Vermouth Account", in which they will make necessary changes in headings of columns of the

form and statements in the summary. Vermouth accounts will be prepared in duplicate for each State within the supervisory district. One copy will be retained by the District Supervisor and the other will be forwarded to the Commissioner with the other monthly accounts required for bonded wineries and storerooms.

[SEAL]

GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved, August 21, 1936.

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 2038—Filed, September 1, 1936; 10:00 a. m.]

DEPARTMENT OF THE INTERIOR.

Division of Territories and Island Possessions.

[I. C. C. No. 226]

THE ALASKA RAILROAD

LOCAL PASSENGER TARIFF NO. 189-A¹

Naming round trip special fares on round trip identification certificate plan from stations on the Alaska Railroad in Alaska to Seward, Alaska, account American Legion Department Convention, Juneau, Alaska, September 2, 3, 4, 5, 1936. Issued under authority of Rule 52, Interstate Commerce Commission Tariff Circular No. 18-A. Issued August 11, 1936. Effective August 27, 1936. Authority: Act, March 12, 1914, and Executive Order No. 3861. Issued by O. F. Ohlson, General Manager, Anchorage, Alaska.

GENERAL RULES AND REGULATIONS

1. Stations From and to Which This Tariff Applies.

This tariff applies from all rail line stations. This tariff applies only to Seward, Alaska. Conductors picking up passenger at non-agency station will handle passenger to first agency station where ticket must be secured from originating station to final destination.

2. Conditions of Sale.

Round trip excursion tickets will be sold to delegates of the American Legion and American Legion Auxiliary, and dependent members of their families, presenting round trip Identification Convention Certificate.

3. Fare.

Fare for adults (including children twelve years of age or over): The round trip excursion fare will be the normal one-way fare plus One Dollar (\$1.00). One-way fares are shown in Local Passenger Tariff No. 42-B, I. C. C. No. 177, supplements thereto and reissues thereof.

4. Children.

Children of five (5) and under twelve (12) years of age will under like conditions be charged one-half of fares authorized herein for adults except that sufficient is to be added to make fare end in an "0" or "5." Children under five (5) years of age will be carried free when accompanied by parent or guardian. Children twelve (12) years of age and over will be charged the same fare as authorized herein for adults.

5. Tickets.

Use Form L-14 Round trip excursion tickets.

6. Baggage.

For baggage rules, including free allowances, excess charges, etc., see Local Baggage Tariff No. 2, I. C. C. No. 22 (Alaskan Engineering Commission Series), supplements thereto and reissues thereof. Excess baggage charges will be made on basis of the one-way fares shown in Local Passenger Tariff No. 42-B, I. C. C. No. 177, supplements thereto and reissues thereof.

7. Tickets Non-Transferable.

All tickets sold at fares named herein are non-transferable and will be valid only for transportation of passenger for whom originally purchased.

8. Dates of Sale.

August 27, 28, 1936.

The going trip must commence on the date stamped on ticket and must be made by continuous passage to destination.

¹ No supplement to this tariff will be issued except for the purpose of cancelling the tariff.

9. Final Return Limit.

September 13th, 1936.

The return trip may commence on any date within final return limit and must be reached not later than midnight of final return limit.

10. Stopovers.

Stopovers will not be permitted in either direction.

11. Route.

Via The Alaska Railroad, direct route only.

[F. R. Doc. 2032—Filed, September 1, 1936; 9:51 a. m.]

[I. C. C. No. 227]

THE ALASKA RAILROAD

LOCAL PASSENGER TARIFF NO. 194¹

Naming round trip excursion fares from stations on the Alaska Railroad in Alaska to Palmer, Alaska, account Matanuska Valley Fair, September 4, 5, 6, 7, 1936. Issued under authority of Rule 52, Interstate Commerce Commission Tariff Circular No. 18-A. Issued, August 11, 1936. Effective September 2, 1936. Authority: Act, March 12, 1914, and Executive Order No. 3861. Issued by O. F. Ohlson, General Manager, Anchorage, Alaska.

GENERAL RULES AND REGULATIONS

1. Stations From and to Which This Tariff Applies.

This tariff applies from all Rail Line stations. This tariff applies only to Palmer, Alaska. Conductor picking up passenger at non-agency station will handle passenger to first agency station where ticket must be secured from originating station to final destination.

2. Dates of Sale.

September 2, 3, 4, 5, 6, and 7, 1936.

3. Final Return Limit.

Return trip to be completed prior to midnight of final limit. Tickets sold from stations Fairbanks, Alaska, to Sherman, Alaska, inclusive, will be limited to September 9, 1936. Tickets sold from stations Curry, Alaska, to Seward, Alaska, inclusive, and Moose Creek, Alaska, to Sutton, Alaska, inclusive, will be limited to September 10, 1936.

4. Stopovers.

Stopovers will be permitted at all points within final return limit on both going and return trip. Stopover will be granted on application to Conductor who will endorse on reverse side of ticket "Off At _____ Station, Date _____ Train No. _____" This endorsement will be signed by Conductor and transportation returned to passenger.

5. Tickets.

Use Form L-14 Round Trip Excursion Tickets.

6. Children.

Tickets may be sold at one-half the fares named herein for children five years of age and under twelve years of age, sufficient to be added to make fare end in "0" or "5." Children under five years of age will be carried free when accompanied by parent or guardian.

7. Baggage.

For baggage rules including free allowance, excess charge, etc., see Local Baggage Tariff No. 2, I. C. C. No. 22 (Alaskan Engineering Commission Series), supplements thereto and reissues thereof. Excess baggage charges will be made on basis of the one way fares shown in Local Passenger Tariff No. 42-B, I. C. C. No. 177, supplements thereto and reissues thereof.

8. Tickets non-transferable.

All tickets sold at fares named herein are non-transferable and will be valid only for transportation of passenger for whom originally purchased.

9. Fares.

One first class fare and a third for the round trip. First class fares are shown in Local Passenger Tariff No. 42-B, I. C. C. No. 177, supplements thereto and reissues thereof. Agents in selling round trip tickets under this tariff will add sufficient to make fare end in "0" or "5" for the round trip.

[F. R. Doc. 2033—Filed, September 1, 1936; 9:52 a. m.]

¹ No supplement will be issued to this tariff except for the purpose of cancelling the tariff.

THE ALASKA RAILROAD—TRANSPORTATION DEPARTMENT

PASSENGER CIRCULAR NO. 152—FREIGHT CIRCULAR NO. 90

ANCHORAGE, ALASKA, August 11, 1936.

Subject: Matanuska Valley Fair:

To All Concerned:

Account of Matanuska Valley Fair at Palmer, September 4th, 5th, 6th, and 7th, 1936, this carrier will furnish free transportation for exhibits and also for the caretakers of live stock exhibits in accordance with the following:

Exhibits must be billed to *Matanuska Valley Fair* for exhibits to be made at Palmer; if desired these exhibits may be billed in care of any party. When so billed shipments will be handled free, using commercial waybill; in cases of caretakers in charge of live stock exhibits, including live fur-bearing animals, the number of caretakers together with their names will also be entered on the waybill, which will be authority for their transportation. *Exhibits and Caretakers of Live Stock Exhibits Will Be Handled Only on Freight or Mixed Trains Unless Otherwise Authorized.*

Exhibits will be returned free to originating station and will be handled as above, except shipments will be billed to party that originally made shipment, proper reference to be made on waybill that covered movement to Palmer.

Authority for the free return of exhibits from Palmer is cancelled with September 17th, 1936.

J. T. CUNNINGHAM,
Supt. of Transportation.

Authority, Act March 12, 1914, and Executive Order No. 3861.

[F. R. Doc. 2035—Filed, September 1, 1936; 9:52 a. m.]

THE ALASKA RAILROAD

SUPPLEMENT NO. 9 TO I. C. C. NO. 103¹

In connection with American Yukon Navigation Company (FX 2 No. 1), Alaska Steamship Company (FX 5 No. 5), Puget Sound Navigation Company (FX 5 No. 11), Puget Sound Freight Lines (FX 5 No. 16).

SUPPLEMENT NO. 9 TO JOINT FREIGHT TARIFF NO. 5-C

Naming class and commodity rates between Seattle and Tacoma, Washington, and points on the Alaska Railroad, American Yukon Navigation Company in Alaska.

Suspension of Rail and Water Service

Account closing of navigation season 1936 on the Tanana and Yukon Rivers in Alaska, transportation service via The Alaska Railroad, and American Yukon Navigation Company and connections, is hereby discontinued until April 15, 1937. For rules governing acceptance of shipments under this tariff, on and after that date, see Item 250 of tariff. Issued under authority of Rule 12 of Interstate Commerce Commission Tariff Circular No. 20. Issued August 11, 1936. Effective August 29, 1936 (except as noted in individual items. Authority: Act March 12, 1914, and Executive Order No. 3861. Issued by O. F. Ohlson, General Manager, Anchorage, Alaska.

Dates on Which Service Will be Suspended

	Date Service Suspended on Traffic from Seattle, Wash., Tacoma, Wash.	Date Service Suspended on Traffic to Seattle, Wash., Tacoma, Wash.
Minto, Alaska	August 29, 1936	September 26, 1936.
Campbell, Alaska	August 29, 1936	September 25, 1936.
Tolovana, Alaska	August 29, 1936	September 25, 1936.

¹Supplements No. 4, 7, 8, and 9, contain all changes from the original tariff that are effective on that date hereof.

Dates on Which Service Will be Suspended—Continued

	Date Service Suspended on Traffic from Seattle, Wash., Tacoma, Wash.	Date Service Suspended on Traffic to Seattle, Wash., Tacoma, Wash.
Duggan, Alaska	August 29, 1936	September 25, 1936.
Baker, Alaska	August 29, 1936	September 25, 1936.
Hot Springs Landing, Alaska	August 29, 1936	September 25, 1936.
Tanana, Alaska	August 29, 1936	September 24, 1936.
Birches, Alaska	August 29, 1936	September 23, 1936.
Novikaket, Alaska	August 29, 1936	September 23, 1936.
Kokrines, Alaska	August 29, 1936	September 23, 1936.
Ruby, Alaska	August 29, 1936	September 23, 1936.
Moloz, Alaska	August 29, 1936	September 23, 1936.
Louden, Alaska	August 29, 1936	September 22, 1936.
Galena, Alaska	August 29, 1936	September 22, 1936.
Koyukuk, Alaska	August 29, 1936	September 22, 1936.
Nulato, Alaska	August 29, 1936	September 22, 1936.
Kaitag, Alaska	August 29, 1936	September 22, 1936.
Blackburn, Alaska	August 29, 1936	September 21, 1936.
Thompson, Alaska	August 29, 1936	September 21, 1936.
Anvik, Alaska	August 29, 1936	September 21, 1936.
Holy Cross, Alaska	August 29, 1936	September 20, 1936.
Palmiut, Alaska	August 29, 1936	September 20, 1936.
Russian Mission, Alaska	August 29, 1936	September 20, 1936.
Okagamute, Alaska	August 29, 1936	September 20, 1936.
Marshall, Alaska	August 29, 1936	September 20, 1936.
Rampart, Alaska	August 29, 1936	September 12, 1936.
Stevens Village, Alaska	August 29, 1936	September 12, 1936.
Beaver, Alaska	August 29, 1936	September 12, 1936.
Fort Yukon, Alaska	August 29, 1936	September 12, 1936.
Circle, Alaska	August 29, 1936	September 12, 1936.
Eagle, Alaska	August 29, 1936	September 12, 1936.

[F. R. Doc. 2034—Filed, September 1, 1936; 9:52 a. m.]

General Land Office.

[Circular No. 1407]

REGULATIONS GOVERNING GIFTS OF LANDS UNDER SECTION 3 OF THE TAYLOR GRAZING ACT OF JUNE 28, 1934, AS AMENDED

AUGUST 17, 1936.

Registers, U. S. Land Offices:

SIRS: Subsection (a) of section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), as amended by section 3 of the act of June 26, 1936 (Public, No. 827, 74th Congress), provides:

That where such action will promote the purposes of the district or facilitate its administration, the Secretary is authorized, for the purpose of this Act only, to accept on behalf of the United States any lands within the exterior boundaries of a grazing district as a gift.

1. *Offer to Convey.*—Gifts of lands within the exterior boundaries of a grazing district may be accepted by the Secretary of the Interior on behalf of the United States "where such action will promote the purposes of the district or facilitate its administration." Any person desiring to make such a gift of lands should submit to the Commissioner of the General Land Office at Washington, D. C., an offer to voluntarily convey and transfer to the United States any lands within a grazing district, describing such lands by legal subdivisions of the public land surveys. The offer should be accompanied by an affidavit showing that the offeror is the record owner in fee of the lands so offered, free and clear of all encumbrances, and that there are no persons claiming the land adversely to the offeror. The affidavit should also show whether there are any unpaid taxes or assessments levied or assessed against the offered land or that could operate as a lien thereon, and whether there is a tax or assessment due on such lands or that could operate as a lien thereon but which tax or assessment is not yet payable and that there are no unredeemed tax deeds outstanding against such lands offered to be conveyed to the United States. The offer and affidavit should be submitted in triplicate.

2. *Action by General Land Office.*—The offer of gift and accompanying affidavit will be promptly considered upon

receipt in the General Land Office, and if found regular and the records of said office show the land involved to be in private ownership and in a grazing district, the duplicate will be transmitted to the Director of Grazing for a report as to whether the acquisition of such lands will promote the purposes of the grazing district or facilitate in its administration. If the Director of Grazing reports that the acquisition of such lands will promote the purposes of the grazing district or facilitate in its administration, the General Land Office will transmit the triplicate to the Director of the Division of Investigations for report as to what the records of the county in which the land is situated disclose as to the ownership of such land and any taxes that may be unpaid in connection with such land, and as to whether there are any persons occupying and claiming the lands adversely to the offeror. These reports shall be expedited to the Commissioner of the General Land Office, and if upon consideration thereof it shall appear that the offeror has good title to the land offered as a gift and that the acquisition of such land by the United States would be warranted, the register of the district land office will be advised, with the approval of the Secretary of the Interior, of such offer and agreement to accept the same in behalf of the United States, and that a serial number should be assigned to the case and the General Land Office advised thereof, and that appropriate notations of the offer should be made on the district land office records. The register shall be instructed to advise the offeror of the agreement to accept the land involved as a gift, and that the offeror should submit a voluntary deed of conveyance to the United States of the land so offered, an affidavit stating that such offeror has not conveyed or encumbered the land in any manner from the time of making the offer up to and including the date of recordation of the deed, and evidence by the proper county official showing that all taxes or assessments levied or assessed against the offered land or that could operate as a lien thereon have been paid in full, whether there is a tax or assessment due on such lands or that could operate as a lien thereon but which tax or assessment is not yet payable and that there are no unredeemed tax deeds outstanding against such lands offered to be conveyed to the United States.

3. *Deed of Conveyance.*—The deed of conveyance to the United States must be executed, acknowledged, and duly recorded in accordance with the laws of the State in which the lands are situated. The deed should recite that it is made "as a gift", as authorized by section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended by section 3 of the act of June 26, 1936 (Public, No. 827, 74th Congress). Where such deed is made by an individual, it must show whether the person making the conveyance is married or single. If married, the wife or husband of such person, as the case may be, must join in the execution and acknowledgment of the deed in such manner as to bar effectually any right of curtesy or dower, or any claim whatsoever to the land conveyed, or it must be fully and satisfactorily shown that under the laws of the State in which the land conveyed is situated, such husband or wife has no interest whatsoever, present or prospective, which makes his or her joining in the deed of conveyance necessary. Where the deed of conveyance is by a corporation, it should be recited in the instrument of transfer that the deed was executed pursuant to an order or by the direction of the board of directors, or other governing body, and a copy of such order or direction must accompany such instrument of transfer and both should bear the impression of the corporate seal.

Very respectfully,

FRED W. JOHNSON, Commissioner.

Approved, August 17, 1936.

T. A. WALTERS,

First Assistant Secretary.

[F. R. Doc. 2036—Filed, September 1, 1936; 9:53 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

N. C. R.—7-C.

1936 AGRICULTURAL CONSERVATION PROGRAM—NORTH CENTRAL REGION

BULLETIN NO. 7-C

PROCEDURE FOR THE NORTH CENTRAL REGION 1936 AGRICULTURAL CONSERVATION PROGRAM AND USE OF RELATED FORMS

[Prescribed pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act]

FOR USE OF COUNTY AND STATE COMMITTEES

Instructions for Establishing the Normal Yield Per Acre of Sugar Beets

In counties where sugar beets are grown, the county committee will establish and record normal yields per acre of sugar beets for individual farms in accordance with the following instructions:

METHOD FOR ESTABLISHING PRELIMINARY YIELDS

(a) *For Farms that participated in the Sugar Beet Production Adjustment Program.*—For each farm that participated in the former Sugar Beet Production Adjustment Program, the preliminary normal yield under the 1936 Agricultural Conservation Program will be the representative yield shown in column (11) headed "Rep. Yield per Acre" of Form CRS-203. Record Forms CRS-203 in duplicate will be transmitted to the State committee by the Agricultural Adjustment Administration. The State committee will forward the original copy of these forms to the respective county committees.

For most counties, there is a supplemental Form CRS-203 that lists separately producers with serial numbers in the "6000" group, for which the base acreage, yield, or payment is not in most cases shown on the form. If such farms grow sugar beets in 1936, and their representative yield is shown on Form CRS-203, it will be their preliminary normal yield; but if the representative yield for such farms is not shown on Form CRS-203, they will be treated the same as new producing farms (see (c) below), that is, their preliminary normal yield will be the four-year average yield, 1930-1933, of the factory district in which is located the factory to which their 1936 sugar beets are to be delivered. Such four-year average yields are shown herein in the table entitled "Factory District Code Numbers and 1930-1933 Average Yields."

(b) *For Farms that did not Participate in the Sugar Beet Production Adjustment Program, but Upon Which Sugar Beets were Grown in Any One or All of the Years 1930-1933.*—For each farm that produced sugar beets in 1936, and that did not participate in the former Sugar Beet Production Adjustment Program, but that did produce sugar beets in any one or all of the years 1930-1933, inclusive, the preliminary normal yield will be established as follows: When sugar beets were planted in each of the four years, 1930-1933, inclusive, the actual four-year average yield per acre, as shown by factory records, will be used. In case sugar beets were not planted in all of the years 1930-1933, the preliminary normal yield per acre will be an average of the yields for those years in which sugar beets were planted, as shown by factory records, and estimated yields for the years in which sugar beets were not planted. The estimated yield for a given year in which sugar beets were not planted will be that yield which is as much above or below the factory average yield per acre for that year as the actual yield for the farm was above or below the factory average yield in the years during 1930-1933 when sugar beets were planted. However, the estimated yield for the farm in a given year cannot be above or below the factory average yield for that year by more than 30 percent.

(c) *For New Producing Farms.*—For each farm that produced sugar beets in 1936 that did not participate in the former Sugar Beet Production Adjustment Program, and that did not grow sugar beets during any of the four years, 1930–1933, inclusive, the preliminary normal yield will be the four-year average yield, 1930–1933, of the factory district in which is located the factory to which the 1936 sugar beets are to be delivered. Such four-year average yields are shown herein in the Table entitled "Factory District Code Numbers and 1930–1933 Average Yields."

Care should be exercised in the use of Form CRS-203 records in order to avoid errors that might result from the fact that: some sugar contracts may have been recorded on Forms CRS-203 for the wrong county, because the contracts originally were recorded and filed on a factory basis and later had to be recorded and filed on a county basis with considerable difficulty; some contracts may have been omitted from Form CRS-203, because they have not yet been accepted for payment; both ownership and operation of the land may have changed since the former contract record was made, in which cases the representative sugar beet yield will follow the land; old producers who produced sugar beets in the years 1930–1933 may, in 1936, be producing beets on a farm that did not produce sugar beets in the years 1930–1933, in which case the normal yield will be the 1930–1933 factory average yield. Forms CRS-203, issued at the time first payment was made on the former sugar beet production adjustment contracts, may be found in the county or State office files. These should not be used for establishing the 1936 preliminary normal yield, because some contracts may have developed appeals and final payments may have been made on a revised representative yield. The official representative yields are the yields appearing on Forms CRS-203 bearing the following rubber stamp:

Official record for establishing
normal sugar beet yields. 1936
Agricultural Conservation Program

FACTORY DISTRICT CODE NUMBERS AND 1930–1933 AVERAGE YIELDS

The factory district in which a contract was listed in the former Sugar Beet Production Adjustment Program is indicated by a symbol number appearing in the first column of CRS-203. The factory district code numbers, names, 1930–1933 average yields, and former sugar beet association locations by States in which counties were included in such districts are as follows:

OHIO

Factory Code No.	Factory District Name	Factory District 1930–1933 Average Yield in Tons Per Acre	Location Former Sugar Beet Ass'n Headquarters
1	2	3	4
163	Blissfield	8.9	Adrian, Mich.
168	Lansing	8.1	Mason, Mich.
180	Decatur	8.9	Decatur, Ind.
190	Findlay	8.6	Findlay, Ohio.
191	Fremont	9.1	Fremont, Ohio.
192	Ottawa	8.9	Ottawa, Ohio.
193	Paulding	8.4	Paulding, Ohio.

INDIANA

167	Holland	7.0	Grand Haven, Mich.
180	Decatur	8.9	Decatur, Ind.
193	Paulding	8.4	Paulding, Ohio.

ILLINOIS

151	Janesville	8.7	Janesville, Wis.
167	Holland	7.0	Grand Haven, Mich.

MICHIGAN

Factory Code No.	Factory District Name	Factory District 1930–1933 Average Yield in Tons Per Acre	Location Former Sugar Beet Ass'n Headquarters
1	2	3	4
160	Alma	7.5	Ithaca, Mich.
161	Bay City	8.7	Bay City, Mich.
163	Blissfield	8.9	Adrian, Mich.
164	Caro	8.5	Caro, Mich.
166	Crosswell	8.5	Sandusky, Mich.
167	Holland	7.0	Grand Haven, Mich.
168	Lansing	8.1	Mason, Mich.
169	Menominee	7.0	Marinette, Wis.
170	Mt. Pleasant	7.2	Ionia, Mich.
171	Mt. Clemens	7.9	Mt. Clemens, Mich.
172	Owosso	7.2	Corunna, Mich.
173	St. Louis	9.1	Ithaca, Mich.
174	Sebewaing	9.2	Bad Axe, Mich.
175	West Bay City	7.7	Bay City, Mich.
176	Saginaw	8.1	Saginaw, Mich.

WISCONSIN

150	Green Bay	8.4	Green Bay, Wis.
151	Janesville	8.7	Janesville, Wis.
169	Menominee	7.0	Marinette, Wis.

MINNESOTA

130	Mason City	9.8	Blue Earth, Minn.
140	Chaska	8.7	Glencoe, Minn.
141	East Grand Forks	8.1	East Grand Forks, Minn.

IOWA

130	Mason City	9.8	Blue Earth, Minn.
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SOUTH DAKOTA

120	Belle Fourche	10.0	Belle Fourche, S. Dak.
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NEBRASKA

63	Ovid	11.2	Julesburg, Colo.
71	Sheridan	10.6	Sheridan, Wyo.
72	Torrington	11.7	Torrington, Wyo.
110	Bayard	11.9	Bridgeport, Nebr.
111	Gering	14.0	Scottsbluff, Nebr.
112	Grand Island	10.4	Grand Island, Nebr.
113	Scottsbluff	13.5	Scottsbluff, Nebr.
114	Lyman	14.6	Scottsbluff, Nebr.
115	Minatare	13.3	Scottsbluff, Nebr.
116	Mitchell	13.8	Scottsbluff, Nebr.

PREPARATION OF SPECIAL LISTING SHEET FOR FARMS PRODUCING SUGAR BEETS

The county committee, from Forms CRS-203, the work sheets, and other available information, will prepare special listing sheets. These listing sheets will be entitled "Special Listing Sheet for Sugar Beet Producing Farms in _____ County"; they will be numbered, and subtotals will be carried from the bottom of one sheet to the top of the one following. There will be nine columns, going from left to right, with the following captions:

- (1) Name of 1936 Operator.
- (2) 1936 Work Sheet Number.
- (3) Form CRS-203 Serial Number.
- (4) Preliminary Normal Yield.
- (5) 1936 Sugar Beet Acreage.
- (6) Extension (4×5).
- (7) Adjusted Normal Yield.
- (8) Extension (5×7).
- (9) Approved Normal Yield.

Columns (1) and (2) will be taken from the work sheets. Column (3) will be used for entering the serial number of the Sugar Beet Adjustment Contracts for participating old producing farms as given in column (4) of C. R. S.-203.

For non-participating old producing farms, the words "Non-Participating" will be written in.

Column (4) will be used for entering the "Preliminary Normal Yields" established pursuant to the "Method for Establishing Preliminary Yields" given above.

Column (5) will be taken from the Summary of Performance (Form N. C. R.-11).

Column (6) will be the product of column (4), Preliminary Normal Yield, multiplied by column (5), 1936 Sugar Beet Acreage.

The county committee will make such adjustments in the preliminary normal yields given in column (4) as it determines are necessary to remove any inequities as between individuals in such preliminary normal yields, provided such adjustments do not result in any increase in the weighted average yield for the county. These adjusted normal yields will be entered in column (7).

Column (8) will be the product of column (5), 1936 Sugar Beet Acreage, multiplied by column (7), Adjusted Normal Yield. The sum of column (8) must equal the sum of column (6). If the sums of columns (6) and (8) are not equal, the adjusted normal yields in column (7) must be corrected.

Upon completing tabulation of columns (1) to (8), inclusive, the county committee will forward the "Special Listing Sheets for Sugar Beet Producing Farms" to the State committee. The State committee will examine the listing sheets and enter in ink in column (9) the normal yields that it approves. After so indicating the normal yields it approves, the State committee will return the listing sheets to the county committee.

The approved yields, as entered in column (9) of the listing sheet, will be entered in the county office in item 3, column (c), Table II, Summary of Performance (Form NCR-11).

In testimony whereof, W. R. Gregg, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 31st day of August 1936.

[SEAL]

W. R. GREGG,
Acting Secretary of Agriculture.

[F. R. Doc. 2044—Filed, September 1, 1936; 11:45 a. m.]

NER—B-1 Revised
Supplement (h)

Issued August 31, 1936

1936 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 1 REVISED—SUPPLEMENT (H)

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, the last sentence of the last paragraph of Part I of the Northeast Region Bulletin No. 1 Revised, as amended by supplement (b) issued June 19, 1936, is amended by inserting before the word "potatoes", the expression "sweet corn when grown for sale as a green vegetable" and a comma, and by inserting a comma after the word "potatoes."

In testimony whereof, W. R. Gregg, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 31st day of August 1936.

[SEAL]

W. R. GREGG,
Acting Secretary of Agriculture.

[F. R. Doc. 2043—Filed, September 1, 1936; 11:45 a. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of August A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, W. A. Ayres, Robert E. Freer.

[Docket No. 2448]

IN THE MATTER OF UNIVERSAL DISTILLERS, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41):

It is ordered, that Charles P. Vicini, an examiner of this Commission be, and he hereby is, designated and appointed to take testimony and receive evidence in this proceeding, and to perform all other duties authorized by law;

It is further ordered, that the taking of testimony in this proceeding begin on Friday, September 11, 1936, at three o'clock in the afternoon of that day (Pacific Standard Time), in room 318, Los Angeles Chamber of Commerce, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 2039—Filed, September 1, 1936; 10:39 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of August A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, W. A. Ayres, Robert E. Freer.

[Docket No. 2698]

IN THE MATTER OF AVALON CANDY CORPORATION, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41):

It is ordered, that Charles P. Vicini, an examiner of this Commission, be, and he hereby is, designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, that the taking of testimony in this proceeding begin on Friday, September 11, 1936, at two o'clock in the afternoon of that day (Pacific Standard Time), in room 318, Los Angeles Chamber of Commerce, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 2040—Filed, September 1, 1936; 10:39 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of August A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, W. A. Ayres, Robert E. Freer.

[Docket No. 2753]

IN THE MATTER OF C. C. MILLER, W. B. MATHER, W. M. LOUIS-SON, D. A. LESTER, L. D. MARR, H. M. YOUNG, PARTNERS, TRADING AS SUNLIFE CHLOROPHYLLIAN LABORATORIES, LTD.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41);

It is ordered, that Charles P. Vicini, an examiner of this Commission, be, and he hereby is, designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, that the taking of testimony in this proceeding begin on Saturday, September 12, 1936, at nine o'clock in the forenoon of that day (Pacific Standard Time), at room 318, Los Angeles Chamber of Commerce, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 2041—Filed, September 1, 1936; 10:39 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of August A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, W. A. Ayres, Robert E. Freer.

[Docket No. 2863]

IN THE MATTER OF R. C. JENNER, PARTNER, TRADING AS JENNER MANUFACTURING COMPANY AND JENNER SALES COMPANY, AND WILLIAM D. LAPP, TRADING AS JENNER MANUFACTURING COMPANY AND JENNER SALES COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41).

It is ordered, that Robert S. Hall, an examiner of this Commission, be, and he hereby is, designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, that the taking of testimony in this proceeding begin on Wednesday, September 9, 1936, at ten o'clock in the forenoon of that day (central standard time), in room 118, Hotel Roosevelt, Pontiac, Michigan.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 2042—Filed, September 1, 1936; 10:40 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Fourth Section Application No. 16486]

BAGGING TO AUGUSTA, GA.

SEPTEMBER 1, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act,

Filed by: J. E. Tilford, Agent.

Commodities involved: Bagging, used, cotton bale covering, burlap, hemp, or jute, less-carloads.

From: Points in South Carolina.

To: Augusta, Ga.

Grounds for relief: Circuitous routes and truck competition.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL]

GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 2045—Filed, September 1, 1936; 12:07 p. m.]

[Fourth Section Application No. 16487]

CLASS AND COMMODITY RATES—THE MOOREMACK GULF LINES, INC.

SEPTEMBER 1, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act,

Filed by: J. E. Tilford, Agent.

Commodities involved: Class and Commodity Rates.

From: Points in Illinois, Central and Southern territories.

To: Tampa, Fla.

Grounds for relief: Carrier competition.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL]

GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 2046—Filed, September 1, 1936; 12:07 p. m.]

[Fourth Section Application No. 16488]

BLACKSTRAP MOLASSES WITHIN OFFICIAL TERRITORY

SEPTEMBER 1, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act,

Filed by: W. S. Curlett and Frank Van Ummersen, Agents.

Commodities involved: Blackstrap molasses, including final molasses and refiners' residual syrup, in tank cars.

From: North Atlantic United States ports.

To: Points in Trunk Line and Central Freight Association territories.

Grounds for relief: Truck competition; To maintain grouping; Port relationship.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate

and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL]

GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 2047—Filed, September 1, 1936; 12:07 p. m.]

RURAL ELECTRIFICATION ADMINISTRATION.

ALLOCATION OF FUNDS FOR LOANS

ADMINISTRATIVE ORDER NO. 14

AUGUST 27, 1936.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project Designation:	Amount
North Carolina 24 Franklin.....	\$123,000
North Carolina 23 Caldwell.....	430,000

MORRIS L. COOKE, *Administrator*.

[F. R. Doc. 2031—Filed, September 1, 1936; 9:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 31st day of August A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BRITISH-AMERICAN—BURNHAM #2—ALTA-VISTA #2 FARM, FILED ON AUGUST 21, 1936, BY CLAIBORN L. HEAD, RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered, that the Suspension Order, Order for Hearing, and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 2054—Filed, September 1, 1936; 12:45 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 31st day of August A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE STANOLIND-SARKEY "A" AND "B" FARM, FILED ON JULY 30, 1936, BY JOHNSTON COMPANY, INC., RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the

interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered, that the Suspension Order, Order for Hearing, and Order Designating a Trial Examiner, heretofore entered in this proceeding be, and the same are hereby, revoked and the said proceeding terminated.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 2051—Filed, September 1, 1936; 12:44 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 31st day of August A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CARTER-G. SMITH FARM, FILED ON AUGUST 8, 1936, BY GUY C. MCBRIDE, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 11:00 o'clock in the forenoon of the 31st day of August 1936 at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:00 o'clock in the forenoon of the 14th day of September 1936 at the same place and before the same trial examiner.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 2052—Filed, September 1, 1936; 12:45 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 31st day of August A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE MAGNOLIA-SMITH FARM, FILED ON AUGUST 8, 1936, BY GUY C. MCBRIDE, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 11:00 o'clock in the forenoon of the 31st day of August 1936 at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:00 o'clock in the forenoon of the 14th day of September 1936 at the same place and before the same trial examiner.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 2053—Filed, September 1, 1936; 12:45 p. m.]

*United States of America—Before the Securities
and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 31st day of August A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST
IN THE MID-CONTINENT-YOUNG FARM, FILED ON AUGUST 24,
1936, BY S. LEROY ESTES, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)),
AND DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

In that Item 16 (d), Division II, is miscalculated.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 30th day of September 1936; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered, that Charles S. Moore, an officer of the Commission, be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that the taking of testimony in this proceeding commence on the 15th day of September 1936 at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 2050—Filed, September 1, 1936; 12:44 p. m.]

FEDERAL REGISTER ACT

[PUBLIC—No. 220—74TH CONGRESS; 49, STAT. 500-503]

AN ACT To provide for the custody of Federal proclamations, orders, regulations, notices, and other documents, and for the prompt and uniform printing and distribution thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Archivist of the United States, acting through a division established by him in the National Archives Establishment, hereinafter referred to as the "Division", is charged with the custody and, together with the Public Printer, with the prompt and uniform printing and distribution of the documents required or authorized to be published under section 5. There shall be at the head of the Division a director, appointed by the President, who shall act under the general direction of the Archivist of the United States in carrying out the provisions of this Act and the regulations prescribed hereunder, who shall receive a salary, to be fixed by the President, not to exceed \$5,000 a year.

SEC. 2. The original and two duplicate originals or certified copies of any document required or authorized to be published under section 5 shall be filed with the Division,

which shall be open for that purpose during all hours of the working days when the Archives Building shall be open for official business. The Director of the Division shall cause to be noted on the original and duplicate originals or certified copies of each document the day and hour of filing thereof: *Provided*, That when the original is issued, prescribed, or promulgated outside of the District of Columbia and certified copies are filed before the filing of the original, the notation shall be of the day and hour of filing of the certified copies. Upon such filing, at least one copy shall be immediately available for public inspection in the office of the Director of the Division. The original shall be retained in the archives of the National Archives Establishment and shall be available for inspection under regulations to be prescribed by the Archivist. The Division shall transmit immediately to the Government Printing Office for printing, as provided in this Act, one duplicate original or certified copy of each document required or authorized to be published under section 5. Every Federal agency shall cause to be transmitted for filing as herein required the original and the duplicate originals or certified copies of all such documents issued, prescribed, or promulgated by the agency.

SEC. 3. All documents required or authorized to be published under section 5 shall be printed and distributed forthwith by the Government Printing Office in a serial publication designated the "Federal Register." It shall be the duty of the Public Printer to make available the facilities of the Government Printing Office for the prompt printing and distribution of the Federal Register in the manner and at the times required in accordance with the provisions of this Act and the regulations prescribed hereunder. The contents of the daily issues shall be indexed and shall comprise all documents, required or authorized to be published, filed with the Division up to such time of the day immediately preceding the day of distribution as shall be fixed by regulations hereunder. There shall be printed with each document a copy of the notation, required to be made under section 2, of the day and hour when, upon filing with the Division, such document was made available for public inspection. Distribution shall be made by delivery or by deposit at a post office at such time in the morning of the day of distribution as shall be fixed by such regulations prescribed hereunder. The prices to be charged for the Federal Register may be fixed by the administrative committee established by section 6 without reference to the restrictions placed upon and fixed for the sale of Government publications by section 1 of the Act of May 11, 1922, and section 307 of the Act of June 30, 1932 (U. S. C., title 44, secs. 72 and 72a), and any amendments thereto.

SEC. 4. As used in this Act, unless the context otherwise requires, the term "document" means any Presidential proclamation or Executive order and any order, regulation, rule, certificate, code of fair competition, license, notice, or similar instrument issued, prescribed, or promulgated by a Federal agency; the terms "Federal agency" or "agency" mean the President of the United States, or any executive department, independent board, establishment, bureau, agency, institution, commission, or separate office of the administrative branch of the Government of the United States but not the legislative or judicial branches of the Government; and the term "person" means any individual, partnership, association, or corporation.

SEC. 5. (a) There shall be published in the Federal Register (1) all Presidential proclamations and Executive orders, except such as have no general applicability and legal effect or are effective only against Federal agencies or persons in their capacity as officers, agents, or employees thereof; (2) such documents or classes of documents as the President shall determine from time to time have general applicability and legal effect; and (3) such documents or classes of documents as may be required so to be published by Act of the Congress: *Provided*, That for the purposes of this Act every document or order which shall prescribe a penalty shall be deemed to have general applicability and legal effect.

(b) In addition to the foregoing there shall also be published in the Federal Register such other documents or

classes of documents as may be authorized to be published pursuant hereto by regulations prescribed hereunder with the approval of the President, but in no case shall comments or news items of any character whatsoever be authorized to be published in the Federal Register.

Sec. 6. There is established a permanent Administrative Committee of three members consisting of the Archivist or Acting Archivist, who shall be chairman, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer. The Director of the Division shall act as secretary of the committee. The committee shall prescribe, with the approval of the President, regulations for carrying out the provisions of this Act. Such regulations shall provide, among other things: (a) The manner of certification of copies required to be certified under section 2, which certification may be permitted to be based upon confirmed communications from outside of the District of Columbia; (b) the documents which shall be authorized pursuant to section 5 (b) to be published in the Federal Register; (c) the manner and form in which the Federal Register shall be printed, reprinted, compiled, indexed, bound, and distributed; (d) the number of copies of the Federal Register which shall be printed, reprinted, and compiled, the number which shall be distributed without charge to Members of Congress, officers and employees of the United States, or any Federal agency for their official use, and the number which shall be available for distribution to the public; and (e) the prices to be charged for individual copies of, and subscriptions to, the Federal Register and reprints and bound volumes thereof.

Sec. 7. No document required under section 5 (a) to be published in the Federal Register shall be valid as against any person who has not had actual knowledge thereof until the duplicate originals or certified copies of the document shall have been filed with the Division and a copy made available for public inspection as provided in section 2; and, unless otherwise specifically provided by statute, such filing of any document, required or authorized to be published under section 5, shall, except in cases where notice by publication is insufficient in law, be sufficient to give notice of the contents of such document to any person subject thereto or affected thereby. The publication in the Federal Register of any document shall create a rebuttable presumption (a) that it was duly issued, prescribed, or promulgated; (b) that it was duly filed with the Division and made available for public inspection at the day and hour stated in the printed notation; (c) that the copy contained in the Federal Register is a true copy of the original; and, (d) that all requirements of this Act and the regulations prescribed hereunder relative to such document have been complied with. The contents of the Federal Register shall be judicially noticed and, without prejudice to any other mode of citation, may be cited by volume and page number.

Sec. 8. Whenever notice of hearing or of opportunity to be heard is required or authorized to be given by or under an Act of the Congress, or may otherwise properly be given, the notice shall be deemed to have been duly given to all persons residing within the continental United States (not including Alaska), except in cases where notice by publication is insufficient in law, if said notice shall be published in the Federal Register at such time that the period between the publication and the date fixed in such notice for the hearing or for the termination of the opportunity to be heard shall be (a) not less than the time specifically prescribed for the publication of the notice by the appropriate Act of the Congress; or (b)

not less than fifteen days when no time for publication is specifically prescribed by the Act, without prejudice, however, to the effectiveness of any notice of less than fifteen days where such shorter period is reasonable.

Sec. 9. Every payment made for the Federal Register shall be covered into the Treasury as a miscellaneous receipt. The cost of printing, reprinting, wrapping, binding, and distributing the Federal Register and any other expenses incurred by the Government Printing Office in carrying out the duties placed upon it by this Act shall be borne by the appropriations to the Government Printing Office and such appropriations are hereby made available, and are authorized to be increased by such additional sums as are necessary for such purposes, such increases to be based upon estimates submitted by the Public Printer. The purposes for which appropriations are available and are authorized to be made under section 10 of the Act entitled "An Act to establish a National Archives of the United States Government, and for other purposes" (48 Stat. 1122) are enlarged to cover the additional duties placed upon the National Archives Establishment by the provisions of this Act. Copies of the Federal Register mailed by the Government shall be entitled to the free use of the United States mails in the same manner as the official mail of the executive departments of the Government. The cost of mailing the Federal Register to officers and employees of Federal agencies in foreign countries shall be borne by the respective agencies.

Sec. 10. The provisions of section 2 shall become effective sixty days after the date of approval of this Act and the publication of the Federal Register shall begin within three business days thereafter: *Provided*, That the appropriations involved have been increased as required by section 9 of this Act. The limitations upon the effectiveness of documents required, under section 5 (a), to be published in the Federal Register shall not be operative as to any document issued, prescribed, or promulgated prior to the date when such document is first required by this or subsequent Act of the Congress or by Executive order to be published in the Federal Register.

Sec. 11. Within six months after the approval of this Act each agency shall prepare and file with the committee a complete compilation of all documents which have been issued or promulgated prior to the date documents are required or authorized by this Act to be published in the Federal Register and which are still in force and effect and relied upon by the agency as authority for, or invoked or used by it in the discharge of, any of its functions or activities. The committee shall within sixty days thereafter report with respect thereto to the President, who shall determine which of such documents have general applicability and legal effect, and shall authorize the publication thereof in a special or supplemental edition or issue of the Federal Register. Such special or supplemental editions or issues shall be distributed in the same manner as regular editions or issues, and shall be included in the bound volumes of the Federal Register as supplements thereto.

Sec. 12. Nothing in this Act shall be construed to apply to treaties, conventions, protocols, and other international agreements, or proclamations thereof by the President.

Sec. 13. All Acts or parts of Acts in conflict with this Act are hereby repealed insofar as they conflict herewith.

Sec. 14. This Act may be cited as the "Federal Register Act."

Approved, July 26, 1935.